

EXHIBIT 3

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

DAVID DAVIS,

Plaintiff

v.

PHENIX CITY, ALABAMA,

JEFFREY HARDIN, named in his individual
and official capacities,

H.H. ROBERTS, named in his individual
and official capacities,

WALLACE HUNTER, named in his individual
and official capacities,

ROY WATERS, named in his individual
and official capacities,

and

BARBARA GOODWIN, named in her individual
and official capacities,

Defendants.

Case Number:

3:06-CV-0544-VPM

DEFENDANT'S RULE 26(a)(1) DISCLOSURES

COME NOW Defendants Phenix City, Alabama, Jeffrey Hardin, H.H. Roberts,
Wallace Hunter, Roy Waters and Barbara Goodwin and answers the initial disclosures
required under said rule as follows:

DISCLOSURE (A):

Provide the name and, if known, the address and telephone number of each
individual likely to have discoverable information that the disclosing party may use to

support its claims or defenses, unless solely for impeachment, identifying the subjects of the information.

ANSWER TO DISCLOSURE (A):

Defendant's potential witnesses include any person who has worked for Phenix City, Alabama since 1998, including, but not limited to all parties to this action and all members of the Phenix City Fire Department. Potential witnesses also include all members of the Phenix City Council, City Manager, Mayor and other city employees at the time of the incident complained of by Plaintiff.

DISCLOSURE (B):

Provide a copy of, or a description by category and location of, all documents, data compilations, and tangible things in the possession, custody, or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment.

ANSWER TO DISCLOSURE (B):

Reserving the right to supplement its answer to this Disclosure, Defendants identify as a document supporting its defenses the City of Phenix City Merit System Rules and Regulations. A copy will be forwarded as soon as it is obtained by Defendants' Counsel.

DISCLOSURE (C):

Provide a computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such

computation is based, including materials bearing on the nature and extent of injuries suffered.

ANSWER TO DISCLOSURE (C):

This disclosure is not applicable to Defendants.

DISCLOSURE (D):

Provide for inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

ANSWER TO DISCLOSURE (D):

Defendants are self-insured by the City of Phenix City. Therefore there is no agreement to disclose.

Respectfully Submitted,

This 16th day of October, 2006.

MCKOON, THOMAS & MCKOON

/s/Joshua R. McKoon

By: _____
Joshua R. McKoon
State Bar No. MCK057

925 Broad Street
Post Office Box 3220
Phenix City, Alabama 36868-3220
334.297.2300
facsimile 334.297.2777

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing Motion to Dismiss upon Counsel for the Plaintiff by placing a copy of same in First Class Mail addressed as follows:

Thomas A. Woodley
Molly A. Elkin
Bryan G. Polisuk
Woodley & McGilivray
1125 15th Street, N.W.
Suite 400
Washington, D.C. 20005

J. Michael Cooper, Esq.
Fitzpatrick, Cooper & Clark, LLP
Farley Building, Suite 600
1929 Third Avenue North
Birmingham, Alabama 35203

/s/Joshua R. McKoon

Counsel for Defendants